IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (L) NO.160 OF 2005
IN
ARBITRATION PETITION NO.513 OF 2004

M/s.Ispat Industries Ltd., Mumbai ..Appellants. (Orig.Petnrs.)

Vs.

Galaxy Maritime Ltd., Valeta, Malta ..Respondents. (Orig.Respdts.)

Mr.Ashwin Shankar, Advocate for the Appellants.

Mr.P.S.Pratap, Advocate for the Respondents.

CORAM: A.P.SHAH AND
S.J.VAZIFDAR, JJ.

DATED: 7TH MARCH, 2005

P.C. :

By consent, the Appeal is admitted and heard finally.

2. This is an appeal against the order of the learned single Judge dismissing the Appellant's Petition under section 34 of the Arbitration and Conciliation Act, 1996 to set aside a foreign award. The learned Judge held that the Petition is not maintainable.

3. The learned Judge dismissed the Petition in view of the judgment delivered by him in Arbitration Petition No.408 of 2004 in the case of *M/s.Goldcrest Exports v. M/s.Swissgen N.V. & Anr.*

The Appellant in *M/s.Goldcrest Exports* had filed an appeal being Appeal No.83 of 2005. By our judgment dated 28.2.2005 we dismised the appeal.

4. Admittedly, in the present case, the award is a foreign award. The Petition is filed only under section 34 and not any other provisions of the Act. The present case is therefore covered by our aforesaid judgment in which we have inter-alia held that a petition to set aside a foreign award is not maintainable under section 34 of the 1996 Act.

5. In the circumstances, in view of our judgment in *M/s.Goldcrest Exports*, the present appeal is dismissed. There shall be no order as to costs.